

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** March 13, 2014

**Agenda Item:** Blackfoot River at I-90 Bridge Closure Rule

**Division:** Fisheries    **Action Needed:** Propose Rule

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background**

The Blackfoot River from Weigh Station FAS to the downstream side of the I-90 bridges has been closed to all floaters and swimming since the summer of 2006 due to numerous man-made hazards associated with the Milltown Dam Superfund site. The rules were necessary to address safety concerns during construction activities associated with the removal of Stimson and Milltown Dams, old bridge piers, and thousands of saw logs and debris such as saw blades. On April 11, 2013 the Commission amended the Blackfoot River closure to allow public occupation of the banks for recreation. Boating, floating and swimming remained prohibited due to ongoing safety concerns over the river's hydraulics at the I-90 bridge piers now that the Blackfoot River's velocity is no longer impeded by Milltown Dam. Cleanup efforts in the river have progressed. FWP and other state agencies (DEQ, MDT, NRDP) are still pursuing a long-term solution that will address safety concerns related to the I-90 bridge piers. The river, constricted by rip-rap under the bridge, generates turbulent hydraulics during higher flows as it passes by the bridge piers. The river is also expected to continue adjusting its bed elevation after removal of Milltown and Stimpson dams, which could reveal more logs and debris during high flows. The state agencies continue to communicate with EPA and the Army Corps of Engineers regarding possible solutions. In the mean time, FWP has identified a temporary solution that would allow use of this section of river during a time period when river flows are generally low enough to reduce the danger in the area. FWP is recommending that the Commission adopt a biennial rule that would close the river to floating and swimming from May 1 through June 30. The rule would also allow the Department, with approval by the local Commissioner, to temporarily close the river outside between July 1 and April 30 if river conditions present a significant public safety concern.

### **Public Involvement Process & Results**

Upon proposal of the rule, FWP would invite public comment and report back to the Commission.

### **Alternatives and Analysis**

Alternatively, the Commission could decide to adopt a rule that retains a closure of the river year-round until a long-term solution to the bridge piers is identified. The Commission could also allow the current rule to expire with no further action.

### **Agency Recommendation & Rationale**

The Department recommends that the Commission propose a rule closing the specified section of the Blackfoot River to floating and swimming from May 1 through June 30. The rule would allow the public to enjoy the Blackfoot River during times of the year when river conditions are less hazardous.

### **Proposed Motion**

I move that the Commission propose a biennial rule closing the Blackfoot River from Weigh Station FAS to the downstream side of the I-90 bridges from May 1 through June 30, with authority granted to the Department to close the river outside of this time period for significant public safety reasons.